

Paper No. 20051209

Continuation of Substance of Interview including description of the general nature of what was discussed: It was indicated by the examiner that new claim 73 appeared to read on the reference to Cooke, Jr.'374, applied in the previous Office action, insofar as the degradable pellet of Cooke, Jr. appeared to comprise or read on the recited "degradable composite material" (note, e.g., Para [0030] on page 5). The examiner further indicated the amendment to claim 1 wherein the degradable material is now limited to "one or more poly(orthoesters)" was still under consideration, whereupon the attorney emphasized the arguments/traversal set forth in the REMARKS of the amendment, most specifically, that the Anton Skrabal & Otto Ringer reference, with accompanying translation, noted on page 13, provided evidence/explanation that the/a "poly(orthoester)" possessed the chemical structure and properties/reactiveness of an ether, rather than an ester, and thus patentably distinguishes over the reference to Cooke, Jr., and other cited/applied references. No agreement was reached, however, applicant's attorney gave the examiner authorization to amend new claim 73 to include the same claim 1 limitation: "that comprises one or more poly(otheesters)", in the event the examiner did determine claim 1 to be allowable..